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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,039	03/06/2002	Scott Edward Klopfenstein	PU010194	8316

24498 7590 07/26/2006

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PATENT OPERATIONS
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EXAMINER

O'STEEN, DAVID R

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,039

Applicant(s)KLOPFENSTEIN, SCOTT
EDWARD**Examiner**

David R. O'Steen

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8-15-2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Note to Applicant

1. Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-6, 10-11, and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Duhault (US 5,900,868).

As regards Claims 1, 10, and 16, Duhault discloses a tuner (fig. 1.12) a demodulator (inherent in the tuner of fig. 1.12), a decoder (fig. 1.14), a memory (figs. 1.16 and 1.26), a processor (fig. 1.28), determining whether a channel is included within a scan list comprising a plurality of channels and delete program guide information associated with the channel if channel is not included within the scan list (cols. 2, 4, and 5, lines 10-32, 16-32, 28-42).

As regards Claims 4 and 13, Duhault discloses the claimed satellite and terrestrial broadcasting center (col. 3, lines 9-15).

As regards Claims 5 and 14, Duhault discloses that said plurality of programs comprises at least one of a pre-recorded program, a live broadcast (col. 3, lines 18-20), and an advertisement.

As regards Claim 6 and 15, Duhault discloses that said program guide comprises Advanced Program Guide information (APG taken to mean a system that allows a user to navigate an interface that allows them to browse programs available on a broadcast system, abstract, fig. 2, and col. 2, lines 10-42).

As regards Claim 11, Duhault discloses that the channel selected for removal is provided via an input device (edit selections are made using an input device such as a mouse or keyboard, col. 5, lines 14-19 and an edit selection can include adding or deleting channels, col. 5, lines 27-45).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2-3, 7-9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhault (US 5,900,868) in view of Lazarus (US 5,652,613).

As regards Claims 2, 8, and 12, Duhault discloses the method of Claims 1 and 7 and the apparatus of Claim 10, but fails to disclose that said deleting comprises determining whether program guide information scheduled for said identified channel is

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scheduled for use with another channel; and deleting said program guide information if said program guide information is scheduled for user with no other channel. Lazarus discloses that said deleting comprises determining whether program guide information scheduled for said identified channel is scheduled for use with another channel; and deleting said program guide information if said program guide information is scheduled for use with no other channel (Lazarus checks to see if a program object is still scheduled to be run in the future on any channels in the EPG, if no channel in the EPG is running the program, the program object is deleted from the EPG data base, col. 4, lines 46-54).

At the time of invention it would have been obvious to a person of ordinary skill in the art to include the determining step, as done in Lazarus, an analogous art, to the method of Duhault to insure that no program data that is still being used in an EPG display is unnecessarily deleted.

As regards Claim 3, Lazarus discloses storing additional information for at least one program scheduled on an available channel (such as a program summary, col. 5, lines 30-33).

At the time of invention it would have been obvious to a person of ordinary skill in the art to include additional information for a scheduled program, as done in Lazarus, an analogous art, to the method of Duhault to give the user extra information about programs scheduled.

As regards Claim 7, Lazarus discloses a channel object containing program guide information for a channel (such as the channel name, its relative value, and

whether it is a preferred channel or a pay channel, among other attributes, fig. 2 and cols. 5 and 6, lines 57-67 and 1-5), a schedule object containing program guide information for a program schedule (such as an database that contains information relating the programs broadcast, col. 3, lines 26-34), and a program object containing program guide information for a program (col. 5, lines 26-33).

At the time of invention it would have been obvious to a person of ordinary skill in the art to add channel objects, schedule objects, and program objects, as done in Lazarus, an analogous art, to the method of Duhault to give the user more information and control over the programs presented by the electronic program guide.

As regards Claim 9, Lazarus further discloses determining whether a schedule object referenced by said selected channel object is also referenced by a channel object associated with a different channel; deleting said referenced schedule object from memory if said schedule object is not referenced by another channel object; and deleting said selected channel object from memory (a schedule object contains program information for at least one program and Lazarus discloses deleting program information if said program information is not set to be run on any channels in the foreseeable future, col. 4, lines 50-54).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Klosterman (US 6072,983) discloses a method of deleting channels in an EPG system which merges media from a variety of sources.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. O'Steen whose telephone number is 571-272-7931. The examiner can normally be reached on 8:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DRO



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